

PD-0289-20

**IN THE COURT OF CRIMINAL APPEALS OF TEXAS
AT AUSTIN**

FILED
COURT OF CRIMINAL APPEALS
5/1/2020
DEANA WILLIAMSON, CLERK

CHARLES RANSIER, Appellant
v.
THE STATE OF TEXAS, Appellee

14-17-00580-CR
In the Fourteenth Court of Appeals
Houston, Texas

On Appeal From the 207th Judicial District Court
Cause No. CR2016-303
Comal County, Texas

**STATE'S MOTION TO EXCEED THE STANDARD WORD LIMIT FOR
ITS PETITION**

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TO THE HONORABLE JUDGES OF SAID COURT:

NOW COMES the State of Texas, Appellee/Petitioner in the above-styled and numbered cause, and respectfully moves this Honorable Court to accept the filing of its *Petition for Discretionary Review* slightly in excess of the standard word limit, and for good cause would show the following:

I. Motion to Exceed the Word Limit

This case's procedural history is relatively unusual; after the Fourteenth Court reversed Appellant's conviction in a 2-1 split opinion based on a lesser-included instruction, the State filed a Motion for Rehearing. In response, the Fourteenth Court issued a supplemental opinion. When the State then filed a Motion for En Banc Reconsideration, the Fourteenth Court requested a response from Appellant; however, it ultimately denied the State's Motion.

Accordingly, the instant Petition for Discretionary Review concerns two separate—albeit related—opinions, involving several issues related to the 'guilty only' rule for lesser-included instructions, principles of causation and criminal responsibility, and other issues. The State combined some arguments from its motion for rehearing and motion for en banc reconsideration, leading to an initial word count of 9,910 words for its Petition. *See* Tex. R. App. P. 9.4(i)(2)(D) (the standard word limit for a petition is 4,500 words).

The State has since reviewed and revised its Petition for Discretionary Review—cutting down and summarizing where possible—eleven times. Even so, the State’s Petition for Discretionary Review related to the two separate *Ransier* opinions is now 5,941 words, slightly over the standard 4,500-word limit. To further reduce the word count would likely require cutting cases or arguments this Court may wish to consider, both for the sake of this case and for the future jurisprudence of the State. Accordingly, the State respectfully requests that this Honorable Court accept the filing of its Petition—filed alongside the instant motion—over the standard word limit. *See* Tex. R. App. P. 2.

II. Prayer

WHEREFORE, PREMISES CONSIDERED, the State respectfully prays that this Honorable Court allow the filing of its Petition over the standard word limit. In the alternative, the State respectfully requests that the Court designate whatever other word limit it deems reasonable, and likewise grant the State whatever extension of time from the current due date on May 4, 2020 this Court deems appropriate for the State to attempt to further reduce the word count. The State also prays for all other relief to which it may be entitled.

Respectfully submitted,

/s/ Joshua D. Presley

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Certificate of Service

I, Joshua D. Presley, Assistant District Attorney for the State of Texas, Appellee/Petitioner, hereby certify that a true and correct copy of this *State's Motion* has been sent to the following:

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Appellate Counsel for CHARLES RANSIER

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State Prosecuting Attorney

By electronically sending it to the above-listed email addresses through efile.txcourts.gov, this the 29th day of April, 2020.

/s/ Joshua D. Presley

Joshua D. Presley

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